



County of San Diego

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DIRECTOR

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RICHARD HAAS
ASSISTANT DIRECTOR

May 28, 2002

Mr. John Robertus, Executive Director
San Diego Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego, CA 92123

Dear Mr. Robertus:

AMENDMENT TO THE WATER QUALITY CONTROL PLAN FOR THE SAN DIEGO REGION (BASIN PLAN) TO INCORPORATE A TOTAL MAXIMUM DAILY LOAD (TMDL) FOR DIAZINON IN THE CHOLLAS CREEK WATERSHED, PROPOSED RESOLUTION NO. R9-2002-0123

The County of San Diego has reviewed the proposed Water Quality Control Plan (Basin Plan) amendment for the Diazinon Total Maximum Daily Load (TMDL) in Chollas Creek. This letter provides our written comments to the proposed TMDL. We have several concerns regarding the procedural basis by which this proposed Basin Plan amendment has been developed. First, the TMDL is not supported by a CWA section 303(d) listing for diazinon. In 1998, Chollas Creek was placed on the 303(d) list for the following constituents and/or impacts: cadmium, copper, high coliform counts, lead, toxicity, and zinc. The Regional Board's proposed 2002 amendments to the 303(d) list additionally include a proposed "Watch List" status for total chlordane, total PCBs, trash, and sediment. Diazinon is not on either of these lists. While SDRWQCB staff may feel that the nexus between measured diazinon levels and observed toxicity has been adequately demonstrated, this relationship should be properly vetted in a public review process. It should follow the normal 303(d) listing process whereby the listing may receive the critical review necessary to ensure its validity. We urge you not to move forward on this TMDL until a 303(d) listing has been properly established for diazinon. At its May 8, 2002 meeting, your Board acknowledged the importance of this issue with respect to nutrients in Rainbow Creek. We encourage your Board to render the same decision in this matter.

The County also questions the propriety of continuing with this TMDL as proposed in light of the USEPA's national ongoing Diazinon Phase-Out and Elimination Program. Establishing a diazinon TMDL under these circumstances would set an important and misdirected precedent for the San Diego region. The staff report acknowledges that the most important factor affecting future loadings of diazinon to the Creek is the scheduled USEPA phase-out of this pesticide. The report goes on to state that additional implementation actions will be required to reduce diazinon loadings both during and after the USEPA phase-out. Staff have on the one hand acknowledged, and on the other hand ignored, the fact that the USEPA phase-out will likely achieve the desired reductions of diazinon in

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this watershed over time. Adding a TMDL on top of those controls will likely add nothing of substantive value. The SDRWQCB should therefore utilize these planned controls prior to the establishment of numeric targets and the assignment of load allocations through the TMDL process.

Finally, we share many of the concerns expressed by other parties regarding the scientific and technical validity of the proposed TMDL. Staff has not adequately addressed the comments received from peer reviewers, most notably those of Dr. Tjeerdema regarding the fate and transport of diazinon in the Creek and those of Dr. Schlenk regarding the need for an ecological risk assessment. While the County supports the TMDL process and acknowledges the need to move forward in identifying and addressing the highest priority needs of the region's watersheds and waterbodies, moving forward with this TMDL in spite of significant technical deficiencies appears to be counter to these overall objectives.

To achieve real progress, strategies must be identified that are implementable, scientifically valid, and technically feasible. As currently proposed, this TMDL appears to fall short of this standard. We strongly urge the SDRWQCB to direct its staff to reopen the public participation process to better address the knowledge and experience of affected stakeholders. Moreover, instead of mandating programs and activities that are clearly duplicative, the SDRWQCB should look for ways to build on the USEPA phase-out by developing solutions with those who will be tasked with their implementation. Based on the foregoing, we recommend that the SDRWQCB delay the proposed TMDL until these concerns can be adequately addressed.

If you have any questions or concerns, please contact Jon Van Rhyn at (619) 338-2203.

Sincerely,

GARY W. ERBECK, Director
Department of Environmental Health

GWE:JVR:cc

cc: San Diego County Municipal Stormwater Copermittees